

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
OFFICE OF THE CLERK

BRUCE RIFKIN  
CLERK

700 STEWART STREET  
SEATTLE, WASHINGTON 98101

July 28, 2006

JULY 28, 2006  
KING COUNTY  
SUPERIOR COURT CLERK  
SEATTLE, WA.

FILED

2006 AUG - 7 PM 3:29

Clerk, King County Superior Court  
516 Third Ave., Rm E609  
Seattle, WA 98104

RE: Rob Rinde v. The Corporation of the President of the Church of Jesus Christ of Later-Day Saints, WAWD case no. C06-556Z  
King County Superior Court case no. 06-2-09825-1SEA

Dear Clerk:

Please find enclosed the original case file, on cd-rom, along with a certified copy of Judge Thomas S. Zilly's Order remanding this case to state court. Also included is a certified copy of the docket sheet.

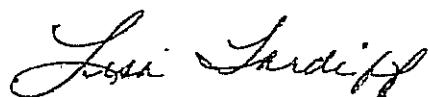
Please return the attached copy of this cover letter with the following information:

Superior Court Case No: 06-2-09825-1SEA

Assigned to Judge: \_\_\_\_\_

Completed by Deputy Clerk: \_\_\_\_\_

Sincerely,

  
Lisa Tardiff, Deputy Clerk

Enclosures

cc: Court file, counsel

CLOSED, JURYDEMAND, REMAND

**U.S. District Court**  
**WESTERN DISTRICT OF WASHINGTON (Seattle)**  
**CIVIL DOCKET FOR CASE #: 2:06-cv-00556-TSZ**

Rinde v. Corporation of the President of the Church of Jesus Christ of Latter-Day Saints  
 Assigned to: Hon. Thomas S. Zilly  
 Cause: 28:1332 Diversity-Petition for Removal

Date Filed: 04/19/2006  
 Jury Demand: Both  
 Nature of Suit: 320 Assault Libel & Slander  
 Jurisdiction: Diversity

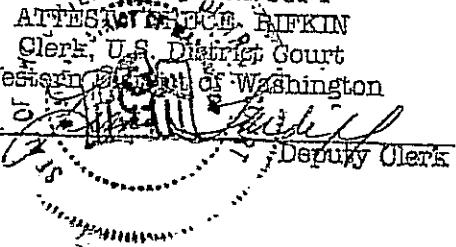
**Plaintiff**

**Rob Rinde**  
*formerly known as*  
 Robert Larry Leroy Pitsor, Jr

represented by **Michael T Pfau**  
 GORDON THOMAS HONEYWELL  
 MALANCA PETERSON & DAHEIM  
 (TAC)  
 1201 PACIFIC AVE  
 STE 2100  
 PO BOX 1157  
 TACOMA, WA 98401  
 206-676-7500  
 Email: mpfau@gth-law.com  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

*CERTIFIED TRUE COPY*  
 ATTESTED TO: C. RIFKIN  
 Clerk, U.S. District Court  
 Western District of Washington

By

  
 Deputy Clerk

**Michelle A Menely**  
 GORDON THOMAS HONEYWELL  
 MALANCA PETERSON & DAHEIM  
 (SEA)  
 600 UNIVERSITY  
 STE 2100  
 SEATTLE, WA 98101-4185  
 206-676-7500  
 Fax: FAX 676-7575  
 Email: mmenely@gth-law.com  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

V.

**Defendant**

**Corporation of the President of the Church of Jesus Christ of Latter-Day Saints**  
*a Utah corporation sole*  
*also known as*  
 "Mormon Church" The Church of Jesus

represented by **Charles Cooper Gordon**  
 GORDON MURRAY TILDEN  
 1001 4TH AVE  
 STE 4000  
 SEATTLE, WA 98154  
 206-467-6477

Exhibit Page 52

Christ of Latter-Day Saints, an unincorporated association

Email: cgordon@gmtlaw.com  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

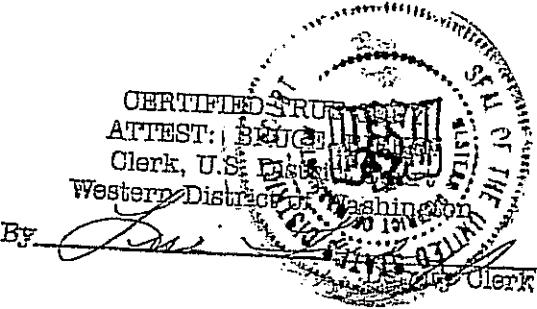
Jeffrey I Tilden  
 GORDON MURRAY TILDEN  
 1001 4TH AVE  
 STE 4000  
 SEATTLE, WA 98154  
 206-467-6477  
 Email: jtilden@gmtlaw.com  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

Date Filed	#	Docket Text
04/19/2006	①	NOTICE OF REMOVAL from King County Superior Court, case number 06-2-09825-1 SEA; (Receipt # SEA 552), filed by Corporation of the President of the Church of Jesus Christ of Latter-Day Saints. (Attachments: # 1 Civil Cover Sheet)(MKB) Email Request to File New Case added on 4/24/2006 (MKB). (Entered: 04/24/2006)
04/24/2006	②	DEMAND for JURY TRIAL by Plaintiff Rob Rinde. (Honeywell, Mark) (Entered: 04/24/2006)
04/25/2006	③	VERIFICATION OF STATE COURT RECORDS by Defendant Corporation of the President of the Church of Jesus Christ of Latter-Day Saints. (Gordon, Charles) (Entered: 04/25/2006)
05/02/2006	④	ORDER REGARDING INITIAL DISCLOSURES, JOINT STATUS REPORT AND EARLY SETTLEMENT FRCP 26f Conference Deadline is 6/19/2006. Initial Disclosure Deadline is 7/3/2006. Joint Status Report due by 7/3/2006; by Judge Thomas S. Zilly. (CC, ) (Entered: 05/02/2006)
05/16/2006	⑤	MOTION to Amend <i>Complaint to Clarify Status of Defendants and Motion to Remand</i> by Plaintiff Rob Rinde. Noting Date 5/26/2006. (Attachments: # 1 Declaration of Timothy D. Kosnoff# 2 Proposed Order)(Menely, Michelle) (Entered: 05/16/2006)
05/22/2006	⑥	RESPONSE, by Defendant Corporation of the President of the Church of Jesus Christ of Latter-Day Saints, to ⑤ MOTION to Amend <i>Complaint to Clarify Status of Defendants and Motion to Remand</i> . (Tilden, Jeffrey) (Entered: 05/22/2006)
05/22/2006	⑦	DECLARATION of Paul D. Ryting in Opposition to Plaintiff's ⑤ MOTION to Amend <i>Complaint to Clarify Status of Defendants and Motion to Remand</i> (Tilden, Jeffrey) Modified duplicative text on 5/23/2006 (ECS, ). (Entered: 05/22/2006)
05/26/2006	⑧	REPLY, filed by Plaintiff Rob Rinde, TO RESPONSE to ⑤ MOTION to Amend <i>Complaint to Clarify Status of Defendants and Motion to Remand</i> (Menely, Michelle) (Entered: 05/26/2006)

Exhibit        Page 53

05/26/2006	⑨	DECLARATION of Timothy D. Kosnoff filed by Plaintiff Rob Rinde re <u>5</u> MOTION to Amend <i>Complaint to Clarify Status of Defendants and Motion to Remand</i> (Menely, Michelle) (Entered: 05/26/2006)
06/02/2006	⑩	STIPULATION AND PROPOSED ORDER by parties re <u>5</u> MOTION to Amend <i>Complaint to Clarify Status of Defendants and Motion to Remand</i> . (Tilden, Jeffrey) (Entered: 06/02/2006)
06/02/2006	⑪	STIPULATION AND ORDER by Judge Thomas S. Zilly. The Court RE-NOTES for 6/12/06 <u>5</u> MOTION to Amend <i>Complaint to Clarify Status of Defendants and Motion to Remand</i> ; (CL, ) (Entered: 06/02/2006)
06/13/2006	⑫	ACCEPTANCE OF SERVICE of summons and complaint by counsel <i>Jeffrey I. Tilden</i> on behalf of Defendant Corporation of the President of the Church of Jesus Christ of Latter-Day Saints on 06/01/06. (Menely, Michelle) (Entered: 06/13/2006)
06/20/2006	⑬	ANSWER to Complaint with JURY DEMAND by Corporation of the President of the Church of Jesus Christ of Latter-Day Saints.(Tilden, Jeffrey) (Entered: 06/20/2006)
06/26/2006	⑭	STIPULATION AND PROPOSED ORDER <i>Re Extending Dates for Initial Disclosures and Joint Status Report</i> by parties re <u>4</u> FORM - Joint Status Report Order. (Gordon, Charles) (Entered: 06/26/2006)
06/30/2006	⑮	ORDER granting Plaintiff's <u>5</u> Motion to Amend Complaint to Clarify Status of Defendants, and granting Plaintiff's Motion to Remand, by Judge Thomas S. Zilly.(LT, ) (Entered: 06/30/2006)
06/30/2006	⑯	AMENDED COMPLAINT against all defendant(s) , filed by Rob Rinde. (LT, ) (Entered: 06/30/2006)

Exhibit        Page 54



UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

ROB RINDE f/k/a ROBERT LARRY  
LEROY PITSOR, JR.,

Plaintiff,

v.

THE CORPORATION OF THE  
PRESIDENT OF THE CHURCH OF JESUS  
CHRIST OF LATTER-DAY SAINTS, a Utah  
corporation sole, aka the "MORMON  
CHURCH" THE CHURCH OF JESUS  
CHRIST OF LATTER-DAY SAINTS, an  
unincorporated association,

Defendant.

No. C06-556Z

ORDER

This matter comes before the Court on Plaintiff's Motion to Amend Complaint to Clarify Status of Defendants and Motion to Remand, docket no. 5. The Court being fully advised now GRANTS the motions as set forth in this Order:

Plaintiff's Motion to Amend Complaint to Clarify Status of Defendants

Plaintiff, Rob Rinde, failed to plead the existence of two defendants in his Complaint. See Compl., docket 3. The Court therefore construes Plaintiff's Motion to Amend Complaint to Clarify Status of Defendants as a motion to join the "Mormon Church" The Church of Jesus Christ of Latter-Day Saints" (hereinafter referred to as the "Mormon Church") as a defendant.

MINUTE ORDER 1-

1       The Mormon Church is an unincorporated association with members in all fifty states.  
2 Rytting Decl., docket 7, ¶ 5; Def.'s Opp'n, docket 6, at 2. It is well-established that the  
3 citizenship of unincorporated associations is the citizenship of each of the individual  
4 members of the association. Johnson v. Columbia Props. Anchorage, 437 F.3d 894, 899 (9th  
5 Cir. 2006). Thus, the Mormon Church is a non-diverse defendant.

6       "[T]he proper standard for deciding whether to allow post-removal joinder of a  
7 diversity-destroying defendant is set forth in 28 U.S.C. § 1447(e)." Boon v. Allstate Ins.  
8 Co., 229 F. Supp. 2d 1016, 1020 n.2 (C.D. Cal. 2002). Section 1447(e) provides: "If after  
9 removal the plaintiff seeks to join additional defendants whose joinder would destroy subject  
10 matter jurisdiction, the court may deny joinder, or permit joinder and remand the action to  
11 the State court." 28 U.S.C. § 1447(e). Joinder of a diversity-destroying defendant pursuant  
12 to Section 1447(e) is left to the discretion of the district court. Newcombe v. Adolf Coors  
13 Co., 157 F.3d 686, 691 (9th Cir. 1998).

14       Having considered the six factors described in Boon, 229 F. Supp. 2d at 1019-20, the  
15 Court concludes that permitting joinder under Section 1447(e) is appropriate in the present  
16 case. Permitting joinder of the Mormon Church would facilitate a just adjudication of the  
17 matter. Conversely, disallowing joinder would hinder Mr. Rinde from asserting his rights  
18 against an entity allegedly involved in the breach of duties and related causes of action. See  
19 IBC Aviation Servs., Inc. v. Compania Mexicana de Aviacion, 125 F. Supp. 2d 1008, 1012  
20 (N.D. Cal. 2000). The absence of the Mormon Church as a named defendant could preclude  
21 Mr. Rinde from recovering damages for any fault attributable to the Mormon Church. See  
22 Kottler v. Wetherington, 136 Wn.2d 437, 445-47 (1998). In contrast, "[t]here will be little  
23 prejudice to Defendant[] from allowing amendment and remand at such an early stage in the  
24 case." Palestini v. Gen. Dynamics Corp., 193 F.R.D. 654, 657 (S.D. Cal. 2000). Although  
25 Defendant Corporation of the President of the Church of Jesus Christ of Latter-Day Saints  
26 ("COP") argues that Mr. Rinde's sole purpose for seeking joinder is to destroy diversity

MINUTE ORDER 2-

1 jurisdiction, the Court “declines to impute an improper motive to Plaintiff simply because  
2 Plaintiff seeks to add a non-diverse defendant post-removal.” IBC Aviation Servs., 125 F.  
3 Supp. 2d at 1012.

4 COP also contends that the Mormon Church is not a proper party because once a  
5 religious entity has chosen to incorporate, only the corporate form may be sued. The cases  
6 cited by COP, however, merely support the general rule that religious controversies are not  
7 the proper subject of civil court inquiry. See, e.g., Islamic Ctr. of Harrison, Inc. v. Islamic  
8 Science Found., Inc., 628 N.Y.S. 2d 179, 179 (App. Div. 1995). Although the Free Exercise

9 Clause of the United States Constitution “restricts the government’s ability to intrude into  
10 ecclesiastical matters or to interfere with a church’s governance of its own affairs,” Bollard  
11 v. California Province of the Soc’y of Jesus, 196 F.3d 940, 945 (9th Cir. 1999), a religious  
12 association does not operate wholly free from civil law. “The First Amendment does not  
13 provide churches with absolute immunity to engage in tortious conduct. So long as liability  
14 is predicated on secular conduct and does not involve the interpretation of church doctrine or  
15 religious beliefs, it does not offend constitutional principles.” C.J.C. v. Corp. of Catholic  
16 Bishop of Yakima, 138 Wn.2d 699, 728 (1999) (citing Sanders v. Casa View Baptist Church,  
17 134 F.3d 311, 366 (5th Cir. 1998)).

18 For the foregoing reasons, the Court GRANTS Plaintiff’s Motion to Amend  
19 Complaint to Clarify Status of Defendants, docket no. 5. The Clerk is directed to file the  
20 Proposed Amended Complaint, attached as Exhibit A to the Kosnoff Decl., docket no. 5.

21 **Plaintiff’s Motion to Remand**

22 Diversity jurisdiction requires complete diversity of citizenship between the parties to  
23 an action. 28 U.S.C. § 1332(a); Cardon v. Arkoma Assocs., 494 U.S. 185, 187 (1990). Once  
24 a non-diverse defendant is joined, remand becomes mandatory: “[a] district court may not  
25 allow joinder of a non-diverse party and retain jurisdiction.” Stevens v. Brink’s Home  
26 Security, Inc., 378 F.3d 944, 949 (9th Cir. 2004); see also 28 U.S.C. § 1447(e). Because the

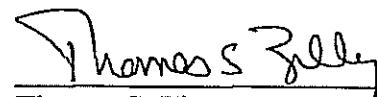
MINUTE ORDER 3-

1 Court is granting Plaintiff's motion to join the Mormon Church as a non-diverse defendant,  
2 remand is mandatory. Accordingly, the Court GRANTS the Plaintiff's Motion to Remand,  
3 docket no. 5.

4 The Clerk is directed to remand the case to King County Superior Court, Case No. 06-  
5 2-09825-1SEA, in accordance with this Order.

6 IT IS SO ORDERED.

7 Filed and entered this 30th day of June, 2006.

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9   
10 Thomas S. Zilly

11 United States District Judge

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MINUTE ORDER 4-

06 AUG 11 AM 9:31

KING COUNTY  
SUPERIOR COURT CLERK  
E-FILED

IN THE SUPERIOR COURT FOR THE STATE OF WASHINGTON  
IN AND FOR THE COUNTY OF KING

Rinde,

vs

**Corporation of the President of the  
Church,**

NO. 06-2-09825-1

SEA  
 KNT

Transcript is attached.

---

Case Number: 06-2-09825-1  
Case Title: RINDE FKA VS CORP OF THE PRES OF THE CHURCH OF LATTER DAY  
SAINTS AKA  
Document Title: OTHER  
User's Name: Imelda Bacinillo  
Filed Date: 8/11/2006 9:31:10 AM

User Signed

Signed By: Imelda Bacinillo  
WSBA #: N/A  
Date: 8/11/2006 9:26:54 AM

**U.S. District Court**  
**WESTERN DISTRICT OF WASHINGTON (Seattle)**  
**CIVIL DOCKET FOR CASE #: 2:06-cv-00566-JCC-RSL**  
**Internal Use Only**

Atlantic Recording Corporation et al v. Dolenc et al  
Assigned to: John C Coughenour  
Referred to: Hon Robert S. Lasnik  
Cause: 17:501 Copyright Infringement

Date Filed: 04/21/2006  
Jury Demand: None  
Nature of Suit: 820 Copyright  
Jurisdiction: Federal Question

**Plaintiff**

**Atlantic Recording Corporation**  
*a Delaware corporation*

represented by **Lyle A Tenpenny**  
YARMUTH WILSDON CALFO  
925 FOURTH AVE  
STE 2500  
SEATTLE, WA 98104  
206-516-3800  
Email: ltenpenny@yarmuth.com  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Scott T Wilsdon**  
YARMUTH WILSDON CALFO  
925 FOURTH AVE  
STE 2500  
SEATTLE, WA 98104  
206-516-3800  
Fax: 206-516-3888  
Email: wilsdon@yarmuth.com  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Plaintiff**

**Elektra Entertainment Group Inc**  
*a Delaware corporation*

represented by **Lyle A Tenpenny**  
(See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Scott T Wilsdon**  
(See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Plaintiff**

**Warner Bros Records Inc**  
*a Delaware corporation*

represented by **Lyle A Tenpenny**  
(See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Scott T Wilsdon**  
(See above for address)

**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Plaintiff**

**Capitol Records Inc**  
*a Delaware corporation*

represented by **Lyle A Tenpenny**  
(See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Scott T Wilsdon**  
(See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Plaintiff**

**Motown Record Company LP**  
*a California limited partnership*

represented by **Lyle A Tenpenny**  
(See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Scott T Wilsdon**  
(See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Plaintiff**

**UMG Recordings Inc**  
*a Delaware corporation*

represented by **Lyle A Tenpenny**  
(See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Scott T Wilsdon**  
(See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Plaintiff**

**Sony BMG Music Entertainment**  
*a Delaware general partnership*

represented by **Lyle A Tenpenny**  
(See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Scott T Wilsdon**  
(See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Plaintiff**

**BMG Music**  
*a New York general partnership*

represented by **Lyle A Tenpenny**  
(See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Scott T Wilsdon**  
(See above for address)

LEAD ATTORNEY  
ATTORNEY TO BE NOTICED

V.

**Defendant****Ted Dolenc****Defendant****Guiseppina Dolenc**

Date Filed	#	Docket Text
04/21/2006	①	COMPLAINT FOR COPYRIGHT INFRINGEMENT against defendants Ted Dolenc and Guiseppina Dolenc (Summons issued) (Receipt # SEA 575), filed by Capitol Records Inc, Motown Record Company LP, UMG Recordings Inc, Sony BMG Music Entertainment, BMG Music, Atlantic Recording Corporation, Elektra Entertainment Group Inc, Warner Bros Records Inc. (Attachments: # 1 Exhibit A # 2 Exhibit B part 1 # 3 Exhibit B part 2 # 4 Civil Cover Sheet)(MKB) (Entered: 04/24/2006)
04/21/2006	②	CERTIFICATION AND NOTICE OF INTERESTED PARTIES. (MKB) (Entered: 04/24/2006)
04/21/2006	③	REPORT ON THE FILING OR DETERMINATION OF AN ACTION OR APPEAL REGARDING A COPYRIGHT. (Original (copy 1) mailed to the Register of Copyrights) (MKB) (Entered: 04/24/2006)
04/24/2006		NON-PUBLIC ***Staff notes: Preassignment of Judge Benton in the event of consent. (MKB) (Entered: 04/24/2006)
05/03/2006	④	ORDER REFERRING CASE to Judge Robert S. Lasnik by Judge John C Coughenour. All future pleadings in this matter shall bear the following cause number and designation: C06-566(RSL) Yarmuth File Sharing Litigation.(CL, ) (Entered: 05/03/2006)
05/30/2006	5	STATUS MEMO: Case Management deadline 8/17/2006. (JM, ) (Entered: 05/30/2006)
06/06/2006	⑥	SERVICE OF SUMMONS and Complaint returned executed upon defendant Ted Dolenc on 5/20/2006; Guiseppina Dolenc on 5/20/2006 (Wilsdon, Scott) (Entered: 06/06/2006)
07/17/2006	⑦	MOTION for Default <i>Request to Enter Default; Affidavit of Lyle A. Tenpenny</i> by Plaintiffs Capitol Records Inc, Motown Record Company LP, UMG Recordings Inc, Sony BMG Music Entertainment, BMG Music, Atlantic Recording Corporation, Elektra Entertainment Group Inc, Warner Bros Records Inc. Noting Date 7/17/2006. (Attachments: # 1 Proposed Default by Clerk)(Tenpenny, Lyle) (Entered: 07/17/2006)
07/17/2006	⑧	MOTION REFERRED: re ⑦ MOTION for Default <i>Request to Enter Default; Affidavit of Lyle A. Tenpenny</i> filed by Capitol Records Inc, Warner Bros Records Inc, Atlantic Recording Corporation, UMG Recordings Inc, BMG Music, Elektra Entertainment Group Inc, Motown Record Company LP, Sony BMG Music Entertainment, is referred to Judge Clerk of the Court/Bruce Rifkin (CL, ) (Entered: 07/18/2006)
07/18/2006	⑨	ORDER granting ⑧ Motion for Default - default entered against defendants Ted and Guiseppina Dolenc. by Clerk U.S. District Court Bruce Rifkin.(Rifkin, Bruce) (Entered: 07/18/2006)
07/18/2006	⑩	NOTICE by Plaintiffs Capitol Records Inc, Motown Record Company LP, UMG Recordings Inc, Sony BMG Music Entertainment, BMG Music, Atlantic Recording Corporation, Elektra

		Entertainment Group Inc, Warner Bros Records Inc, upon Defendant Ted Dolenc, Guisettina Dolenc re <u>8</u> Order on Motion for Default <i>NOTICE OF ENTRY OF DEFAULT BY CLERK</i> (Tenpenny, Lyle) Modified text per counsel request on 7/18/2006 (KN, ). (Entered: 07/18/2006)
07/18/2006	⑩	CERTIFICATE OF SERVICE by Plaintiffs Capitol Records Inc, Motown Record Company LP, UMG Recordings Inc, Sony BMG Music Entertainment, BMG Music, Atlantic Recording Corporation, Elektra Entertainment Group Inc, Warner Bros Records Inc, upon Defendant Ted Dolenc, Guisettina Dolenc re <u>7</u> MOTION for Default <i>Request to Enter Default; Affidavit of Lyle A. Tenpenny, 9 Notice-Other.</i> , (Tenpenny, Lyle) Modified text per counsel request on 7/18/2006 (KN, ). (Entered: 07/18/2006)
07/18/2006	❸	NOTICE of Docket Text Modification re <u>9</u> Notice-Other, : Modified text per counsel request to include service to dft Guisettina Dolenc. (KN, ) (Entered: 07/18/2006)

I hereby certify that the attached is a true and correct copy of the docket on file at the Western District of Washington

BRUCE RIFKIN, Clerk



By S/Lisa Tardiff  
Deputy Clerk

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON AT SEATTLE

ROB RINDE f/k/a ROBERT LARRY LEROY  
PITSOR, JR.,

NO.

**Plaintiff,**

**NOTICE OF REMOVAL  
(DIVERSITY JURISDICTION)**

V.

THE CORPORATION OF THE PRESIDENT OF THE CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS, a Utah corporation sole, aka the "MORMON CHURCH" THE CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS, an unincorporated association,

**Defendant.**

Defendant, The Corporation of the President of the Church of Jesus Christ of Latter-Day

Saints, removes this action from the Superior Court of Washington State in and for King County, to the United States District Court for the Western District of Washington, upon the following grounds:

1. The Corporation of the President of the Church of Jesus Christ of Latter-Day  
Saints is the sole defendant in a civil action filed in the Superior Court of Washington in and for  
King County, styled Rob Rinde f/k/a Robert Larry Leroy Pitsor, Jr. v. The Corporation of the

NOTICE OF REMOVAL - 1  
No.

**GORDON MURRAY TILDEN LLP**  
1001 Fourth Avenue, Suite 4000  
Seattle, WA 98154  
Phone (206) 467-6477  
Fax (206) 467-6292

1 President of the Church of Jesus Christ of Latter-Day Saints, a Utah corporation sole, aka the  
 2 "Mormon Church" the Church of Jesus Christ of Latler-Day Saints, an unincorporated  
 3 association, No. 06-2-09825-1 SEA (the "State Court Action"). Plaintiff commenced the State  
 4 Court Action by filing a complaint on March 22, 2006, a copy of which is attached to this  
 5 Notice. On the same day, plaintiff's counsel sent a copy of the complaint by fax to other lawyers  
 6 representing the defendant in a different matter. Plaintiff has not yet served defendant with a  
 7 summons and complaint.

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 15 2. Pursuant to 28 U.S.C. § 1441(a), "any civil action brought in a State court of  
 16 which the district courts of the United States have original jurisdiction, may be removed by the  
 17 defendant or defendants, to the district court of the United States for the district and division  
 18 embracing the place where such action is pending."

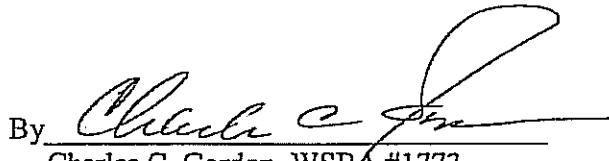
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 23 3. This Court has original jurisdiction over this action pursuant to 28 U.S.C. § 1332  
 24 based upon diversity of citizenship. The Complaint does not plead plaintiff's current residence,  
 25 but Defendant understands that plaintiff is a resident of the State of Minnesota. On March 31,  
 26 2006, the King County Journal printed an article concerning the filing of the State Court Action.  
 27 The article quoted the plaintiff and stated that "he spoke to the Journal this week from his home  
 28 in Starbuck, Minn." Defendant is a citizen of Utah, incorporated under the laws of Utah, with its  
 29 principal place of business in Utah. The complaint filed in the State Court Action does not set  
 30 forth the dollar amount of damages sought by plaintiff. Given the complaint alleges multiple  
 31 acts of sexual abuse, including one described as "brutal," all of which are alleged to have  
 32 occurred while plaintiff was a minor, defendant has a good faith belief that the plaintiff is  
 33 seeking damages in excess of \$75,000, exclusive of interest and costs.  
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NOTICE OF REMOVAL - 2  
 No.

GORDON MURRAY TILDEN LLP  
 1001 Fourth Avenue, Suite 4000  
 Seattle, WA 98154  
 Phone (206) 467-6477  
 Fax (206) 467-6292

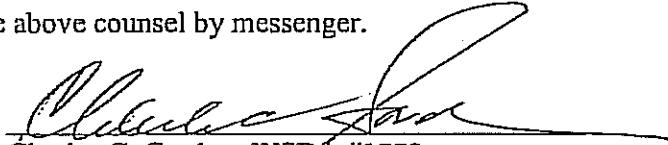
1 WHEREFORE, The Corporation of the President of the Church of Jesus Christ of Latter-  
2 Day Saints hereby removes this action from the Superior Court of Washington State in and for  
3 King County to the United States District Court for the Western District of Washington at  
4 Seattle.

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7 DATED this 19<sup>th</sup> day of April, 2006.

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11 GORDON MURRAY TILDEN LLP  
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16 By   
17 Charles C. Gordon, WSBA #1773  
18 Jeffrey I. Tilden, WSBA #12219  
19 Attorneys for THE CORPORATION OF THE  
20 PRESIDENT OF THE CHURCH OF JESUS  
21 CHRIST OF LATTER-DAY SAINTS  
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NOTICE OF REMOVAL - 3  
No.

GORDON MURRAY TILDEN LLP  
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Seattle, WA 98154  
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4 CERTIFICATE OF SERVICE  
5  
67  
8 I hereby certify that on April 19, 2006, I electronically filed the foregoing with the Clerk  
9 of the Court using the CM/ECF system which will send notification of such filing to the  
10 following:  
11  
1213 Michael T. Pfau  
14 Michelle A. Menely  
15 Gordon, Thomas, Honeywell, Malanca, Peterson & Daheim LLP  
16 600 University, Suite 2100  
17 Seattle, WA 98101-4185  
18 E-mail: [mpfau@gth-law.com](mailto:mpfau@gth-law.com)  
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20 Co-Counsel for Plaintiff Rob Rinde  
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25 800 Bellevue Way N.E., #300  
26 Bellevue, WA 98004  
27 E-mail: [timkosnoff@comcast.net](mailto:timkosnoff@comcast.net)  
28 Co-Counsel for Plaintiff Rob Rinde  
29  
3031 I have also served copies on the above counsel by messenger.  
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3435  
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E-mail: [cgordon@gmt.law](mailto:cgordon@gmt.law)NOTICE OF REMOVAL - 4  
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KING COUNTY  
SUPERIOR COURT CLERK  
SEATTLE, WA.

SUPERIOR COURT OF THE STATE OF WASHINGTON  
FOR KING COUNTY

ROB RINDE f/k/a ROBERT LARRY LEROY  
PITSOR, JR.

Plaintiff,

vs.

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THE CORPORATION OF THE PRESIDENT  
OF THE CHURCH OF JESUS CHRIST OF  
LATTER-DAY SAINTS, a Utah corporation  
sole, aka the "MORMON CHURCH" THE  
CHURCH OF JESUS CHRIST OF LATTER-  
DAY SAINTS, an unincorporated association,

Defendant.

NO.  
**06-2-09825-1SEA**  
COMPLAINT

WILLIAM L. DOWNING

I. GENERAL ALLEGATIONS

This case alleges child sexual abuse, sexual assault and sexual battery, intentional infliction of emotional distress (aka the Tort of "Outrage"), civil conspiracy, fraudulent concealment and gross negligence. It arises out of the brutal victimization of plaintiff when he was twelve years old by PAUL H. LEWIS, a Mormon Church Scoutmaster and Melchesidek priest. LEWIS sodomized plaintiff, beat and choked him and forced a wire coat

COMPLAINT - 1 of 10

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hangar up his penis inflicting permanent injury to his urogenital system that resulted in excruciating physical and emotional pain that persists to this day. When he was approximately fourteen years old Plaintiff disclosed the abuse to civil authorities. Three church officials, including one who was a Seattle attorney, a Bellevue ward bishop and another local church leader knowing that plaintiff's accusations were true pressured plaintiff into not cooperating with law enforcement officials who were investigating LEWIS. These church officials acted as part of a coordinated effort to shield fellow priest LEWIS from the law and to protect the Mormon Church from scandal and civil liability.

## II. PARTIES

2.1 Plaintiff ROB RINDE, (known as Larry Pitsor at relevant times), is an adult and at all times relevant hereto was a boy residing with his mother and siblings first in Seattle, and then in Bellevue, Washington. Plaintiff was born December 8, 1969. ROB RINDE, his mother and his four siblings were recruited into the Church of Jesus Christ of Latter-day Saints (hereinafter the "Mormon Church")1.

2.2 Defendant THE CORPORATION OF THE PRESIDENT OF THE CHURCH OF JESUS CHRIST LATTER-DAY SAINTS, a Utah corporation sole, is a corporation duly organized and operating pursuant to the laws of Utah. This defendant also operates as the "MORMON CHURCH" THE CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS, which is an unincorporated association. The defendant will hereinafter be referred to as COP. In both capacities, COP operates churches within the State of Washington.

## III. JURISDICTION AND VENUE

3.1 Jurisdiction and venue are proper in this Court because the acts giving rise to this claim occurred in Bellevue, King County, Washington.

COMPLAINT - 2 of 10

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#### IV. FACTS

4.1 "COP" is a corporation governed by a single individual, the President of the Mormon Church, Gordon B. Hinckley. The President wields ultimate and absolute authority within the Mormon Church. Mr. Hinckley, is the "Divine Prophet, Seer and Revelator" of the Church and has the authority to appoint and remove anyone in the Mormon Church, including all members of wards and stakes, at will. The President of the Mormon Church controls everything in the Mormon Church and all of its wards and stakes. As such, the President of the Church has authority to dictate changes in Church policy, discipline, ecclesiastical doctrine or anything else he so chooses. The acts of the President, in his capacity as head of the Mormon Church, are the acts of COP. COP is registered to do business within, and conducts continuous and systematic activities within, the State of Washington. At all relevant times, plaintiff was a member of and attended a Seattle and/or a Bellevue ward of the Mormon Church.

4.2 Adult male members of the Church are eligible to be ordained as "Priests." There are various levels of priesthood, including elevation to the rank of "Elder," "Melchesidek Priest," "High Priest." Elders, Melchesidek Priests and High Priests are held out by the Mormon Church as men that are "morally worthy" and deserving of the trust of its members.

4.3 At all relevant times, the Mormon Church assumed special responsibilities toward its members including a disciplinary and red-flagging system meant to identify and track sexual predators and other dangerous individuals within the membership in order to protect innocent members from harm they might inflict.

4.4 The Mormon Church is closely affiliated with the Boy Scouts of America. The Mormon Church is the oldest and one of the largest sponsoring organizations of boy scouting in the United States. Since 1913 the Mormon Church has used the Scouting program as an

**COMPLAINT - 3 of 10**

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1 integral part of its ministry to boys and young men. Scouting is the exclusive youth activity  
 2 for males in the Mormon Church.

3 4.5 During the relevant time period, COP adopted guidelines for handling victims  
 4 of child sexual abuse and sex offenders. They failed to follow their guidelines with respect to  
 5 LEWIS.

6 4.6 During the approximate time period of 1981-1983, when RINDE was around  
 7 twelve years old, LEWIS was RINDE's ward scoutmaster. At that time LEWIS was in the  
 8 United States Navy and was a transient with no ties or history to the area prior to the church  
 9 placing LEWIS in the position of Scoutmaster of a Seattle ward to which RINDE was a  
 10 member.

11 4.7 Using his position of authority as Scoutmaster and Mormon Priest, LEWIS  
 12 was able to gain access to RINDE and use that access to groom and then molest, rape and  
 13 sadistically torture him.

14 4.8 LEWIS sexually molested RINDE at various locations in the Seattle area  
 15 including at an apartment to which LEWIS had unrestricted access, in the swimming pool,  
 16 locker room/shower and steam bath at Sand Point Naval Air Station, and in a motel room in  
 17 Issaquah.

18 4.9 The most appalling acts of abuse occurred in a room at Motel 6 in Issaquah in  
 19 approximately 1983. LEWIS used physical violence against RINDE, sodomizing him and  
 20 forcing RINDE to orally copulate LEWIS. LEWIS then took a wire coat hanger and forced it  
 21 into RINDE's urethra causing him to hemorrhage and causing chronic and irreparable injury  
 22 to his penis and urogenital system. These were acts of childhood sexual abuse, which acts  
 23 were also violations of chapter 9A.44 RCW or RCW 9.68A.040 or prior laws of similar effect  
 24 at the time the acts were committed.

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 COMPLAINT - 4 of 10

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1       4.10 In approximately 1984 or 1985, RINDE disclosed the abuse and his mother  
 2 reported it to the civil and church authorities. A criminal investigation of LEWIS ensued.  
 3 Church officials described herein above shielded LEWIS from the law. The same church  
 4 officials urged RINDE, then age fourteen (14), to not cooperate with the law enforcement  
 5 investigation of LEWIS thereby allowing LEWIS to evade criminal prosecution and to move  
 6 to another state where he eventually sexually molested more children. These church officials  
 7 told him that he would not be believed, that it would be "his word" against LEWIS, that his  
 8 allegations would hurt the image and reputation of the Mormon Church, that RINDE would  
 9 be ridiculed and derided by church members in addition to other comments calculated to  
 10 intimidate RINDE from cooperating with the civil authorities investigating LEWIS.

11       4.11 Church leaders told RINDE that the church would "take care of things," that  
 12 they would help him with therapy and that they would help his family financially.

13       4.12 An abuse victim advocate in the King County Prosecutor's office arranged a  
 14 meeting with RINDE at her office. Before she could meet privately with RINDE, Mormon  
 15 Church leaders interfered in the investigative process. The three adult male Church officials  
 16 went to RINDE'S home and told him that they would take him to the meeting at the  
 17 prosecutor's office downtown. On the ride downtown in the car the three adult Mormon  
 18 church officials pressured RINDE not to cooperate with law enforcement officials.

19       4.13 At the meeting, the church official that was a licensed Washington attorney  
 20 told the victim's advocate that he was RINDE'S attorney which was untrue. The church  
 21 official/lawyer told the victim advocate he would not permit her to interview RINDE in  
 22 private.

23       4.14 RINDE succumbed to the Church's pressure not to cooperate. As a result,  
 24 charges against LEWIS were not filed. Soon thereafter LEWIS moved to another state and  
 25 joined a another ward of the Mormon Church.

26       COMPLAINT - 5 of 10

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**V. FIRST CAUSE OF ACTION**  
(Negligence based on Common Law and breach of Fiduciary Duty)

5.1 Plaintiff incorporates all paragraphs of this Complaint as if fully set forth under this count and further alleges:

5.2 Defendants COP and Mormon Church had a common law duty to plaintiff to protect him from the criminal acts of LEWIS.

5.3 Defendants COP and the Mormon Church breached their duty to protect plaintiff and plaintiff damaged thereby.

5.4 Defendants COP had a "special relationship" with plaintiff and with LEWIS. They knew or should have known that LEWIS was a sadistic serial pedophile that was actively abusing children, COP had a duty to use reasonable care in the hiring, supervision or retention of LEWIS as scoutmaster and also had a duty to warn or protect foreseeable victims including plaintiff. LEWIS' positions within the defendants' church were causally connected to and served to enable LEWIS to gain access to and abuse plaintiff.

5.5 The Mormon Church's bishops, stake presidents and Boy Scout leaders within the State of Washington breached both a duty of reasonable care in hiring, supervising or retaining LEWIS as scoutmaster and by failing to warn or protect children and/or by failing to report their knowledge of LEWIS's sexual abuse of children to civil authorities.,

5.6 But for the breach of duty, acts, omissions and intentional misconduct of COP and the Mormon Church, church bishops, boy scout leaders, stake presidents and area presidents, LEWIS would not have been able to abuse plaintiff.

5.7 COP's failure to adhere to its previously adopted guidelines for handling victims of child sexual abuse and sex offenders caused harm to the plaintiff. The harm plaintiff suffered as a result of defendant's negligence was the harm contemplated in COP's Handbook of Instruction to its clergy.

**COMPLAINT - 6 of 10**

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5.8 Notwithstanding Defendant's duties, defendant failed to train and supervise its hierachal clergy in the proper implementation of its guidelines, policies and procedures regarding the treatment of victims of child sexual abuse, to monitor and insure compliance with their guidelines, policies and procedures, treatment of child sexual abusers and reporting of child sexual abuse.

5.9 Defendants knew, or in the exercise of reasonable care should have known, that its failure to report LEWIS to appropriate law enforcement or social services agencies would result in LEWIS sexually abusing children including plaintiff, and in plaintiff failing to obtain adequate treatment.

5.10 As a result of the molestation, breach of trust, and statutory violations, plaintiff has suffered and will continue to suffer physical and emotional pain and dysfunction to his general, non-economic damage in an amount to be determined. As a further result of the sexual abuse, plaintiff incurred and/or will continue to incur costs for counseling and psychological treatment, and has lost earning capacity to his damage in an amount to be proved at trial.

## VI. SECOND CAUSE OF ACTION (Intentional Infliction of Emotional Distress)

6.1 Plaintiff incorporates all paragraphs of this Complaint as if fully set forth under this count and further allege:

6.2 Defendant knew, or in the exercise of reasonable care should have known, that tampering with a witness was unlawful and that such conduct as pressuring victims not to disclose, would be harmful to the best interests and psychological well-being of child victims of sexual abuse, including plaintiff.

6.3 Defendants knew or should have known that pressuring plaintiff not to cooperate with the civil authorities' investigation of LEWIS would greatly exacerbate

**COMPLAINT - 7 of 10**

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plaintiff's physical, emotional and psychological injuries and, in fact, the defendant's conduct greatly exacerbated plaintiff's physical, emotional and psychological injuries.

6.4 Defendant knew that plaintiff had been subjected to horrific sexual abuse at the hands of its Scoutmaster and Melchesidek Priest PAUL LEWIS and knew that plaintiff had and would continue to suffer emotional, psychological and physical injuries and that unless he received appropriate assistance from civil authorities, that his injuries would be greatly exacerbated and much more difficult to treat with the passage of time.

6.5 The Church, being more concerned about shielding itself from scandal and potential civil liability and intent on protecting the public image of its all-male Mormon priesthood at the expense of aiding a gravely injured child that was plaintiff, pressured plaintiff in to not cooperating with the civil authorities with full knowledge of or with reckless disregard of the emotional and psychological injuries its conduct was certain to inflict.

6.6 Defendant's conduct was an outrageous violation of societal norms and went so far beyond all possible bounds of decency, so as to be regarded as atrocious, and utterly intolerable in a civilized community, and resulted in severe emotional distress.

6.7 As a further result of the defendant's intentional conduct, plaintiff has incurred and/or will continue to incur costs for counseling and psychological treatment, and has lost earning capacity to his damage in an amount to be proved at trial. As a result of the defendant's conduct, plaintiff has suffered and will continue to suffer physical and emotional pain and dysfunction to his general, non-economic damage in an amount to be proved at trial.

## VII. THIRD CAUSE OF ACTION (Estoppel and Fraudulent Concealment)

7.1 Plaintiff incorporates all paragraphs of this Complaint as if fully set forth under this count and further allege:

7.2 Church defendants engaged in a plan of action to cover up incidents of the sexual abuse of minors by its Melchesidek priests and scout leaders and to prevent disclosure,

COMPLAINT - 8 of 10

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1 prosecution and civil litigation including, but not limited to: failure to report incidents of  
 2 abuse to law enforcement or child protection agencies, denial of abuse it had substantiated,  
 3 the transfer of abusive Melchesidek priests and scoutmasters, coercion of victims and their  
 4 families and by failure to seek out and redress the injuries these men had caused. Based on  
 5 these actions, the defendants engaged in fraudulent concealment and are estopped from  
 6 asserting defense of limitations.

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8 **VIII. FOURTH CAUSE OF ACTION**  
 9 **(Civil Conspiracy)**

10 8.1 Plaintiff incorporates all paragraphs of this Complaint as if fully set forth under  
 11 this count and further allege:

12 8.2 Defendant and others conspired to cover up incidents of sexual abuse of  
 13 minors by its Mormon priests and scout leaders, including LEWIS and to prevent disclosure,  
 14 prosecution and civil litigation including, but not limited to: failure to report incidents of  
 15 abuse to law enforcement or child protection agencies, denial of abuse it had substantiated,  
 16 aiding criminal child molesters in evading detection, arrest and prosecution, allowing them to  
 17 cross state and international borders for purposes of gaining access to uninformed parents  
 18 whose innocent children could be sexually abused, failure to warn, and by failure to seek out  
 19 and redress the injuries its Melchesidek priests and scoutmasters had caused. Based on these  
 20 actions, the defendants conspired for the unlawful purpose of concealing and suppressing  
 21 information on the danger and threat that scoutmaster and priests like LEWIS posed to  
 22 unsuspecting children, including the plaintiff.

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 COMPLAINT - 9 of 10  
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## IX. PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays that the Court enter a judgment against the defendant and in plaintiff's behalf, for the following:

1. For special damages for medical treatment expenses, lost earnings, and lost earnings capacity, and the expenses of medication and other special expenses, both in the past and continuing into the future, in amounts to be determined at the time of trial;
2. For all general damages, for physical, mental and emotional injury and disturbance, and other disorders resulting from the acts complained of herein;
3. For attorney's fees, prejudgment interest, costs and exemplary damages allowed by RCW 9.68A.130 and other law; and
4. For such other and further relief as this Court determines just in the premises.

Dated this 22 day of March, 2006.

GOR~~DON, THOMAS, HONEYWELL,  
MALANCA, PETERSON & DAHEIM LLP~~

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Co-Counsel for Plaintiff

LAW OFFICES OF TIMOTHY D. KOSNOFF

By:

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Co-Counsel for Plaintiff

COMPLAINT - 10 of 10

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## CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

## I. (a) PLAINTIFFS

Rob Rinde f/k/a Robert Larry Leroy Pitsor, Jr.

(b) County of Residence of First Listed Plaintiff \_\_\_\_\_  
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorney's (Firm Name, Address, and Telephone Number)

Michael T. Pfau / Gordon Thomas Honeywell  
600 University, Ste 2100 Seattle, WA (206) 676-7500

## DEFENDANTS

The Corporation of the President of the Church of Jesus Christ of Latter-Day Saints, et al.

County of Residence of First Listed Defendant \_\_\_\_\_  
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

Attorneys (If Known)

Charles C. Gordon / Gordon Murray Tilden  
1001 Fourth Avenue, Suite 4000 Seattle, WA (206) 467-6477

## II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

<input type="checkbox"/> 1 U.S. Government Plaintiff	<input type="checkbox"/> 3 Federal Question (U.S. Government Not a Party)
<input type="checkbox"/> 2 U.S. Government Defendant	<input checked="" type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)

## III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

Citizen of This State	<input type="checkbox"/> PTF <input type="checkbox"/> DEF	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> PTF <input type="checkbox"/> DEF
Citizen of Another State	<input checked="" type="checkbox"/> PTF <input checked="" type="checkbox"/> DEF	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> PTF <input type="checkbox"/> DEF
Citizen or Subject of a Foreign Country	<input type="checkbox"/> PTF <input type="checkbox"/> DEF	Foreign Nation	<input type="checkbox"/> PTF <input type="checkbox"/> DEF

## IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance	<input type="checkbox"/> PERSONAL INJURY	<input type="checkbox"/> PERSONAL INJURY	<input type="checkbox"/> 422 Appeal 28 USC 158	<input type="checkbox"/> 400 State Reapportionment
<input type="checkbox"/> 120 Marine	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 362 Personal Injury - Med. Malpractice	<input type="checkbox"/> 423 Withdrawal 28 USC 157	<input type="checkbox"/> 410 Antitrust
<input type="checkbox"/> 130 Miller Act	<input type="checkbox"/> 315 Airplane Product Liability	<input type="checkbox"/> 365 Personal Injury - Product Liability		<input type="checkbox"/> 430 Banks and Banking
<input type="checkbox"/> 140 Negotiable Instrument	<input type="checkbox"/> 320 Assault, Libel & Slander	<input type="checkbox"/> 368 Asbestos Personal Injury Product Liability		<input type="checkbox"/> 450 Commerce
<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	<input type="checkbox"/> 330 Federal Employers' Liability	<input type="checkbox"/> 370 Other Fraud		<input type="checkbox"/> 460 Deportation
<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 340 Marine	<input type="checkbox"/> 371 Truth in Lending		<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations
<input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans)	<input type="checkbox"/> 345 Marine Product Liability	<input type="checkbox"/> 380 Other Personal Property Damage		<input type="checkbox"/> 480 Consumer Credit
<input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits	<input type="checkbox"/> 350 Motor Vehicle	<input type="checkbox"/> 385 Property Damage		<input type="checkbox"/> 490 Cable/Sat TV
<input type="checkbox"/> 160 Stockholders' Suits	<input type="checkbox"/> 355 Motor Vehicle Product Liability	<input type="checkbox"/> 390 Other Personal Injury		<input type="checkbox"/> 510 Selective Service
<input type="checkbox"/> 190 Other Contract	<input type="checkbox"/> 360 Other Personal Injury	<input type="checkbox"/> 395 Property Liability		<input type="checkbox"/> 850 Securities/Commodities/ Exchange
<input type="checkbox"/> 195 Contract Product Liability				<input type="checkbox"/> 875 Customer Challenge 12 USC 3410
<input type="checkbox"/> 196 Franchise				<input type="checkbox"/> 890 Other Statutory Actions
REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITIONS	SOCIAL SECURITY	<input type="checkbox"/> 891 Agricultural Acts
<input type="checkbox"/> 210 Land Condemnation	<input type="checkbox"/> 441 Voting	<input type="checkbox"/> 510 Motions to Vacate Sentence	<input type="checkbox"/> 861 HIA (1935)(D)	<input type="checkbox"/> 892 Economic Stabilization Act
<input type="checkbox"/> 220 Foreclosure	<input type="checkbox"/> 442 Employment	<input type="checkbox"/> 515 Declaratory Corpus: Accoundatons	<input type="checkbox"/> 862 Black Lung (923)	<input type="checkbox"/> 893 Environmental Matters
<input type="checkbox"/> 230 Rent Lense & Ejectment	<input type="checkbox"/> 443 Housing/ Accommodations	<input type="checkbox"/> 520 General	<input type="checkbox"/> 863 DIWC/DIWW (405(g))	<input type="checkbox"/> 894 Energy Allocation Act
<input type="checkbox"/> 240 Torts to Land	<input type="checkbox"/> 444 Welfare	<input type="checkbox"/> 535 Death Penalty	<input type="checkbox"/> 864 SSID Title XVI	<input type="checkbox"/> 895 Freedom of Information Act
<input type="checkbox"/> 245 Tort Product Liability	<input type="checkbox"/> 445 Amer. w/Disabilities - Employment	<input type="checkbox"/> 540 Mandamus & Other	<input type="checkbox"/> 865 IRS (405(g))	<input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice
<input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 446 Amer. w/Disabilities - Other	<input type="checkbox"/> 550 Civil Rights		<input type="checkbox"/> 950 Constitutionality of State Statutes
	<input type="checkbox"/> 440 Other Civil Rights	<input type="checkbox"/> 555 Prison Condition		
			FEDERAL TAX SUITS	
			<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)	
			<input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	

## V. ORIGIN

(Place an "X" in One Box Only)

<input type="checkbox"/> 1 Original Proceeding	<input checked="" type="checkbox"/> 2 Removed from State Court	<input type="checkbox"/> 3 Remanded from Appellate Court	<input type="checkbox"/> 4 Reinstated or Reopened	<input type="checkbox"/> 5 Transferred from another district (specify) _____	<input type="checkbox"/> 6 Multidistrict Litigation	<input type="checkbox"/> 7 Appeal to District Judge from Magistrate Judgment
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Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):  
28 USC 1332

## VI. CAUSE OF ACTION

Brief description of cause:  
Sexual Assualt of Minor

## VII. REQUESTED IN COMPLAINT:

 CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

## DEMANDS

CHECK YES only if demanded in complaint:  
JURY DEMAND:  Yes  No

## VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

4/20/06

SIGNATURE OF ATTORNEY OF RECORD

JUDGE

MAG. JUDGE

FOR OFFICE USE ONLY

RECEIPT # \_\_\_\_\_ AMOUNT \_\_\_\_\_ APPLYING IFFP \_\_\_\_\_

Donna M  
Jackson/WAWD/09/USCOU  
RTS  
04/20/2006 10:55 AM  
To PaulaMcN@hotmail.com  
cc Paula McNabb/WAWD/09/USCOURTS@USCOURTS  
bcc  
Subject Fw: Rinde v. The Corporation of the President of the Church  
of Jesus Christ of Latter-Day Saints

C06-0556TSZ. Receipt #: SEA0552 (4/20/06). Removal immediately following.

~dj

— Forwarded by Donna M Jackson/WAWD/09/USCOURTS on 04/20/2006 10:53 AM —



"Jacqueline Lucien"  
<jlucien@gmtlaw.com>  
04/20/2006 09:22 AM  
To <newcases.seattle@wawd.uscourts.gov>  
cc  
Subject Rinde v. The Corporation of the President of the Church of  
Jesus Christ of Latter-Day Saints

Please see the attached Civil Cover Sheet. I sent the Notice of Removal late yesterday afternoon. I also have the credit card information for you for the filing fee. Thank you for your assistance.

<<Civil Cover Sheet.pdf>>

***Jacqueline Lucien***

Legal Secretary to Daniel S. Houser, Mark A. Wilner  
and Michael Rosenberger  
Gordon Murray Tilden LLP  
1001 Fourth Avenue, Suite 4000  
Seattle, WA 98154-1119  
Tel: (206) 467-6477  
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Civil Cover Sheet.pdf

THE HONORABLE THOMAS S. ZILLY

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

ROB RINDE f/k/a ROBERT LARRY LEROY  
PITSOR, JR.,

NO. CV-06-00556 TSZ

**Plaintiffs,**

**JURY DEMAND**

v.

THE CORPORATION OF THE PRESIDENT  
OF THE CHURCH OF JESUS CHRIST OF  
LATTER-DAY SAINTS, a Utah Corporation  
sole, a/k/a the "MORMON CHURCH" THE  
CHURCH OF JESUS CHRIST OF  
LATTER-DAY SAINTS, an unincorporated  
association.

## Defendants

COMES NOW Plaintiff Rob Rinde, and pursuant to FRCP 38, requests that the above-entitled action be tried before a jury consisting of twelve (12) persons, or the maximum number permissible in the Western District of Washington.

11

JURY DEMAND - 1 of 2  
CV-06-00556 TSZ  
[162329 v2.doc]

LAW OFFICES  
GORDON, THOMAS, HONEYWELL, MALANCA,  
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ONE UNION SQUARE  
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SEATTLE, WASHINGTON 98101-4165  
(206) 676-7500 • FAX/CIM (206) 676-7575

1 Dated this 24 day of April, 2006.

2  
3 GORDON, THOMAS, HONEYWELL, MALANCA,  
4 PETERSON & DAHEIM LLP

5 By \_\_\_\_\_

6 Michael T. Pfau, WSBA No. 24649

7 [mpfau@gth-law.com](mailto:mpfau@gth-law.com) [sreich@gth-law.com](mailto:sreich@gth-law.com)

8 Steven T. Reich, WSBA No. 24708

9 Attorneys for Plaintiff

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JURY DEMAND - 2 of 2

CV-06-00556 TSZ

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1 HONORABLE THOMAS S. ZILLY  
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12 UNITED STATES DISTRICT COURT  
13 WESTERN DISTRICT OF WASHINGTON AT SEATTLE  
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15 ROB RINDE f/k/a ROBERT LARRY LEROY  
16 PITSOR, JR.,

17 NO. C06-0556 TSZ  
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20 Plaintiff,  
21  
22 v.  
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24 CR 101 VERIFICATION OF STATE  
25 COURT RECORDS  
26  
27  
28

29 THE CORPORATION OF THE PRESIDENT  
30 OF THE CHURCH OF JESUS CHRIST OF  
31 LATTER-DAY SAINTS, a Utah corporation  
32 sole, aka the "MORMON CHURCH" THE  
33 CHURCH OF JESUS CHRIST OF LATTER-  
34 DAY SAINTS, an unincorporated association,  
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37 Defendant.  
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40 Pursuant to CR 101(b), undersigned counsel hereby verify that the attached documents  
41 are true and complete copies of all records and proceedings in the state court action. These  
42 documents consist of the following:  
43  
44

45 1. Summons;  
46 2. Complaint;  
47 3. King County Superior Court Case Information Cover Sheet;  
48 4. Order Setting Civil Case Schedule;  
49  
50

51 NOTICE OF FILING - 1  
52 No. C06-0556 TSZ

53 GORDON MURRAY TILDEN LLP  
54 1325 Fourth Avenue, Suite 1800  
55 Seattle, WA 98101-2510  
56 Phone (206) 467-6477  
57 Fax (206) 467-6292

1           5. Jury Demand; and  
2  
3           6. Notice of Appearance.

4  
5           DATED this 25 day of April, 2006.  
6  
7

8           **GORDON MURRAY TILDEN LLP**  
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10

11           By Charles C. Gordon  
12           Charles C. Gordon, WSBA #1773  
13           Jeffrey I. Tilden, WSBA #12219  
14           Attorneys for THE CORPORATION OF THE  
15           PRESIDENT OF THE CHURCH OF JESUS  
16           CHRIST OF LATTER-DAY SAINTS  
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No. C06-0556 TSZ

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## **CERTIFICATE OF SERVICE**

I hereby certify that on April 25, 2006, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

Michael T. Pfau  
Michelle A. Menely  
Gordon, Thomas, Honeywell, Malanca, Peterson & Daheim LLP  
600 University, Suite 2100  
Seattle, WA 98101-4185  
E-mail: [mpfau@gth-law.com](mailto:mpfau@gth-law.com)  
E-mail: [mmenely@gth-law.com](mailto:mmenely@gth-law.com)  
Co-Counsel for Plaintiff Rob Rinde

Timothy D. Kosnoff  
Law Offices of Timothy D. Kosnoff  
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Co-Counsel for Plaintiff Rob Rinde

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E-mail: [cgordon@gmt.law](mailto:cgordon@gmt.law)

[Notice of Filing—CR 101]

NOTICE OF FILING - 3  
No. C06-0556 TSZ

**GORDON MURRAY TILDEN LLP**  
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Seattle, WA 98101-2510  
Phone (206) 467-6477  
Fax (206) 467-6292

FILED

06 MAR 22 PM 2:29

KING COUNTY  
SUPERIOR COURT CLERK  
SEATTLE, WA.

SUPERIOR COURT OF THE STATE OF WASHINGTON  
FOR KING COUNTY

ROB RINDE f/k/a ROBERT LARRY LEROY  
PITSOR,

Plaintiff,

vs.

THE CORPORATION OF THE PRESIDENT  
OF THE CHURCH OF JESUS CHRIST OF  
LATTER-DAY SAINTS, a Utah corporation  
sole, aka the "MORMON CHURCH" THE  
CHURCH OF JESUS CHRIST OF LATTER-  
DAY SAINTS, an unincorporated association,

Defendant.

NO.

06-2-09825-1SEA

WILLIAM L. DOWNING

TO: THE CORPORATION OF THE PRESIDENT OF THE CHURCH OF JESUS  
CHRIST OF LATTER-DAY SAINTS

A lawsuit has been started against you in the above-entitled court by the above-named  
Plaintiff. Plaintiff's claims are stated in the written complaint, a copy of which is served upon  
you with this summons.

SUMMONS - 1 of 3

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[160469 v01.doc]

LAW OFFICES  
GORDON, THOMAS, HONEYWELL, MALANCA,  
PETERSON & DAHEIM LLP  
ONE UNION SQUARE  
100 UNIVERSITY, SUITE 2100  
SEATTLE, WASHINGTON 98101-4105  
(206) 670-7500 • FAXPHONE (206) 670-7575

In order to defend against this lawsuit, you must respond to the complaint by stating your defense in writing, and serve a copy upon the undersigned attorney for the Plaintiff within 20 days after service of this summons if within the State of Washington, or within 60 days after service of this summons if outside of the State of Washington, excluding the day of service, or a default judgment may be entered against you without notice. A default judgment is one where Plaintiffs are entitled to what they ask for because you have not responded. If you serve a notice of appearance on the undersigned attorney, you are entitled to notice before a default judgment may be entered.

You may demand that the Plaintiff file this lawsuit with the court. If you do so, the demand must be in writing and must be served upon the Plaintiff. Within fourteen (14) days after you serve the demand, the Plaintiff must file this lawsuit with the court, or the service on you of this summons and complaint will be void.

If you wish to seek the advice of an attorney in this matter, you should do so promptly so that your written response, if any, may be served on time.

This summons is issued pursuant to Rule 4 of the Superior Court Civil Rules of the State of Washington.

Dated this 23 day of March, 2006.

GORDON, THOMAS, HONEYWELL,  
MALANCA, PETERSON & DAHEIM LLP

By

Michael T. Pfau, WSBA No. 24649

mpfau@gtli-law.com

Michelle A. Menely, WS

mmenely@gth-law.com

SUMMONS - 2 of 3

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LAW OFFICES OF TIMOTHY D. KOSNOFF

By:

Timothy D. Kosnoff, WSBA No. 16586  
[timkosnoff@comcast.net](mailto:timkosnoff@comcast.net).  
Co-Counsel for Plaintiff

SUMMONS - 3 of 3

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[160469 v01.doc]

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KING COUNTY  
SUPERIOR COURT CLERK  
SEATTLE, WA.

SUPERIOR COURT OF THE STATE OF WASHINGTON  
FOR KING COUNTY

ROB RINDE f/k/a ROBERT LARRY LEROY  
PITSOR, JR.

Plaintiff,

vs.

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THE CORPORATION OF THE PRESIDENT  
OF THE CHURCH OF JESUS CHRIST OF  
LATTER-DAY SAINTS, a Utah corporation  
sole, aka the "MORMON CHURCH" THE  
CHURCH OF JESUS CHRIST OF LATTER-  
DAY SAINTS, an unincorporated association,

Defendant.

NO.

06-2-09825-1SEA

COMPLAINT

WILLIAM L. DOWNING

I. GENERAL ALLEGATIONS

This case alleges child sexual abuse, sexual assault and sexual battery, intentional infliction of emotional distress (aka the Tort of "Outrage"), civil conspiracy, fraudulent concealment and gross negligence. It arises out of the brutal victimization of plaintiff when he was twelve years old by PAUL H. LEWIS, a Mormon Church Scoutmaster and Melchesidek priest. LEWIS sodomized plaintiff, beat and choked him and forced a wire coat

COMPLAINT - 1 of 10

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[160316 v05.doc]

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hangar up his penis inflicting permanent injury to his urogenital system that resulted in excruciating physical and emotional pain that persists to this day. When he was approximately fourteen years old Plaintiff disclosed the abuse to civil authorities. Three church officials, including one who was a Seattle attorney, a Bellevue ward bishop and another local church leader knowing that plaintiff's accusations were true pressured plaintiff into not cooperating with law enforcement officials who were investigating LEWIS. These church officials acted as part of a coordinated effort to shield fellow priest LEWIS from the law and to protect the Mormon Church from scandal and civil liability.

## II. PARTIES

2.1 Plaintiff ROB RINDE, (known as Larry Pitsor at relevant times), is an adult and at all times relevant hereto was a boy residing with his mother and siblings first in Seattle, and then in Bellevue, Washington. Plaintiff was born December 8, 1969. ROB RINDE, his mother and his four siblings were recruited into the Church of Jesus Christ of Latter-day Saints (hereinafter the "Mormon Church").

2.2 Defendant THE CORPORATION OF THE PRESIDENT OF THE CHURCH OF JESUS CHRIST LATTER-DAY SAINTS, a Utah corporation sole, is a corporation duly organized and operating pursuant to the laws of Utah. This defendant also operates as the "MORMON CHURCH" THE CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS, which is an unincorporated association. The defendant will hereinafter be referred to as COP. In both capacities, COP operates churches within the State of Washington.

## III. JURISDICTION AND VENUE

3.1 Jurisdiction and venue are proper in this Court because the acts giving rise to this claim occurred in Bellevue, King County, Washington.

COMPLAINT - 2 of 10

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[160316 v05.doc]

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(206) 467-7500 - FAX (206) 467-7375

#### IV. FACTS

4.1 "COP" is a corporation governed by a single individual, the President of the Mormon Church, Gordon B. Hinckley. The President wields ultimate and absolute authority within the Mormon Church. Mr. Hinckley, is the "Divine Prophet, Seer and Revelator" of the Church and has the authority to appoint and remove anyone in the Mormon Church, including all members of wards and stakes, at will. The President of the Mormon Church controls everything in the Mormon Church and all of its wards and stakes. As such, the President of the Church has authority to dictate changes in Church policy, discipline, ecclesiastical doctrine or anything else he so chooses. The acts of the President, in his capacity as head of the Mormon Church, are the acts of COP. COP is registered to do business within, and conducts continuous and systematic activities within, the State of Washington. At all relevant times, plaintiff was a member of and attended a Seattle and/or a Bellevue ward of the Mormon Church.

4.2 Adult male members of the Church are eligible to be ordained as "Priests." There are various levels of priesthood, including elevation to the rank of "Elder," "Melchesidek Priest," "High Priest." Elders, Melchesidek Priests and High Priests are held out by the Mormon Church as men that are "morally worthy" and deserving of the trust of its members.

4.3 At all relevant times, the Mormon Church assumed special responsibilities toward its members including a disciplinary and red-flagging system meant to identify and track sexual predators and other dangerous individuals within the membership in order to protect innocent members from harm they might inflict.

4.4 The Mormon Church is closely affiliated with the Boy Scouts of America. The Mormon Church is the oldest and one of the largest sponsoring organizations of boy scouting in the United States. Since 1913 the Mormon Church has used the Scouting program as an

**COMPLAINT - 3 of 10**

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[160316 v05.doc]

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1 integral part of its ministry to boys and young men. Scouting is the exclusive youth activity  
 2 for males in the Mormon Church.

3       4.5     During the relevant time period, COP adopted guidelines for handling victims  
 4 of child sexual abuse and sex offenders. They failed to follow their guidelines with respect to  
 5 LEWIS.

6       4.6     During the approximate time period of 1981-1983, when RINDE was around  
 7 twelve years old, LEWIS was RINDE's ward scoutmaster. At that time LEWIS was in the  
 8 United States Navy and was a transient with no ties or history to the area prior to the church  
 9 placing LEWIS in the position of Scoutmaster of a Seattle ward to which RINDE was a  
 10 member.

11       4.7     Using his position of authority as Scoutmaster and Mormon Priest, LEWIS  
 12 was able to gain access to RINDE and use that access to groom and then molest, rape and  
 13 sadistically torture him.

14       4.8     LEWIS sexually molested RINDE at various locations in the Seattle area  
 15 including at an apartment to which LEWIS had unrestricted access, in the swimming pool,  
 16 locker room/shower and steam bath at Sand Point Naval Air Station, and in a motel room in  
 17 Issaquah.

18       4.9     The most appalling acts of abuse occurred in a room at Motel 6 in Issaquah in  
 19 approximately 1983. LEWIS used physical violence against RINDE, sodomizing him and  
 20 forcing RINDE to orally copulate LEWIS. LEWIS then took a wire coat hanger and forced it  
 21 into RINDE's urethra causing him to hemorrhage and causing chronic and irreparable injury  
 22 to his penis and urogenital system. These were acts of childhood sexual abuse, which acts  
 23 were also violations of chapter 9A.44 RCW or RCW 9.68A.040 or prior laws of similar effect  
 24 at the time the acts were committed.

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 COMPLAINT - 4 of 10

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 SEATTLE, WASHINGTON 98101-4106  
 (206) 676-7500 - FACSIMILE (206) 676-7575

1           4.10 In approximately 1984 or 1985, RINDE disclosed the abuse and his mother  
 2 reported it to the civil and church authorities. A criminal investigation of LEWIS ensued.  
 3 Church officials described herein above shielded LEWIS from the law. The same church  
 4 officials urged RINDE, then age fourteen (14), to not cooperate with the law enforcement  
 5 investigation of LEWIS thereby allowing LEWIS to evade criminal prosecution and to move  
 6 to another state where he eventually sexually molested more children. These church officials  
 7 told him that he would not be believed, that it would be "his word" against LEWIS, that his  
 8 allegations would hurt the image and reputation of the Mormon Church, that RINDE would  
 9 be ridiculed and derided by church members in addition to other comments calculated to  
 10 intimidate RINDE from cooperating with the civil authorities investigating LEWIS.

11           4.11 Church leaders told RINDE that the church would "take care of things," that  
 12 they would help him with therapy and that they would help his family financially.

13           4.12 An abuse victim advocate in the King County Prosecutor's office arranged a  
 14 meeting with RINDE at her office. Before she could meet privately with RINDE, Mormon  
 15 Church leaders interfered in the investigative process. The three adult male Church officials  
 16 went to RINDE'S home and told him that they would take him to the meeting at the  
 17 prosecutor's office downtown. On the ride downtown in the car the three adult Mormon  
 18 church officials pressured RINDE not to cooperate with law enforcement officials.

19           4.13 At the meeting, the church official that was a licensed Washington attorney  
 20 told the victim's advocate that he was RINDE'S attorney which was untrue. The church  
 21 official/lawyer told the victim advocate he would not permit her to interview RINDE in  
 22 private.

23           4.14 RINDE succumbed to the Church's pressure not to cooperate. As a result,  
 24 charges against LEWIS were not filed. Soon thereafter LEWIS moved to another state and  
 25 joined a another ward of the Mormon Church.

26           COMPLAINT - 5 of 10

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[160316 v05.doc]

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**V. FIRST CAUSE OF ACTION**  
(Negligence based on Common Law and breach of Fiduciary Duty)

5.1 Plaintiff incorporates all paragraphs of this Complaint as if fully set forth under this count and further alleges:

5.2 Defendants COP and Mormon Church had a common law duty to plaintiff to protect him from the criminal acts of LEWIS.

5.3 Defendants COP and the Mormon Church breached their duty to protect plaintiff and plaintiff damaged thereby.

5.4 Defendants COP had a "special relationship" with plaintiff and with LEWIS. They knew or should have known that LEWIS was a sadistic serial pedophile that was actively abusing children, COP had a duty to use reasonable care in the hiring, supervision or retention of LEWIS as scoutmaster and also had a duty to warn or protect foreseeable victims including plaintiff. LEWIS' positions within the defendants' church were causally connected to and served to enable LEWIS to gain access to and abuse plaintiff.

5.5 The Mormon Church's bishops, stake presidents and Boy Scout leaders within the State of Washington breached both a duty of reasonable care in hiring, supervising or retaining LEWIS as scoutmaster and by failing to warn or protect children and/or by failing to report their knowledge of LEWIS's sexual abuse of children to civil authorities.,

5.6 But for the breach of duty, acts, omissions and intentional misconduct of COP and the Mormon Church, church bishops, boy scout leaders, stake presidents and area presidents, LEWIS would not have been able to abuse plaintiff.

5.7 COP's failure to adhere to its previously adopted guidelines for handling victims of child sexual abuse and sex offenders caused harm to the plaintiff. The harm plaintiff suffered as a result of defendant's negligence was the harm contemplated in COP's Handbook of Instruction to its clergy.

**COMPLAINT - 6 of 10**

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[160316 v05.doe]

Law Offices  
GORDON, THOMAS, HONEYWELL, MALANCA,  
PETERSON & DAHEIM LLP  
One Union Square  
GOD UNIVERSITY, SUITE 2100  
Seattle, Washington 98101-1115  
(206) 467-7500 • Facsimile (206) 467-7575

5.8 Notwithstanding Defendant's duties, defendant failed to train and supervise its hierachal clergy in the proper implementation of its guidelines, policies and procedures regarding the treatment of victims of child sexual abuse, to monitor and insure compliance with their guidelines, policies and procedures, treatment of child sexual abusers and reporting of child sexual abuse.

5.9 Defendants knew, or in the exercise of reasonable care should have known, that its failure to report LEWIS to appropriate law enforcement or social services agencies would result in LEWIS sexually abusing children including plaintiff, and in plaintiff failing to obtain adequate treatment.

5.10 As a result of the molestation, breach of trust, and statutory violations, plaintiff has suffered and will continue to suffer physical and emotional pain and dysfunction to his general, non-economic damage in an amount to be determined. As a further result of the sexual abuse, plaintiff incurred and/or will continue to incur costs for counseling and psychological treatment, and has lost earning capacity to his damage in an amount to be proved at trial.

## VI. SECOND CAUSE OF ACTION (Intentional Infliction of Emotional Distress)

6.1 Plaintiff incorporates all paragraphs of this Complaint as if fully set forth under this count and further allege:

6.2 Defendant knew, or in the exercise of reasonable care should have known, that tampering with a witness was unlawful and that such conduct as pressuring victims not to disclose, would be harmful to the best interests and psychological well-being of child victims of sexual abuse, including plaintiff.

6.3 Defendants knew or should have known that pressuring plaintiff not to cooperate with the civil authorities' investigation of LEWIS would greatly exacerbate

COMPLAINT - 7 of 10

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[160316 v05.doc]

LAW OFFICES  
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1 plaintiff's physical, emotional and psychological injuries and, in fact, the defendant's conduct  
 2 greatly exacerbated plaintiff's physical, emotional and psychological injuries.

3 6.4 Defendant knew that plaintiff had been subjected to horrific sexual abuse at the  
 4 hands of its Scoutmaster and Melchesidek Priest PAUL LEWIS and knew that plaintiff had  
 5 and would continue to suffer emotional, psychological and physical injuries and that unless he  
 6 received appropriate assistance from civil authorities, that his injuries would be greatly  
 7 exacerbated and much more difficult to treat with the passage of time.

8 6.5 The Church, being more concerned about shielding itself from scandal and  
 9 potential civil liability and intent on protecting the public image of its all-male Mormon  
 10 priesthood at the expense of aiding a gravely injured child that was plaintiff, pressured  
 11 plaintiff in to not cooperating with the civil authorities with full knowledge of or with reckless  
 12 disregard of the emotional and psychological injuries its conduct was certain to inflict.

13 6.6 Defendant's conduct was an outrageous violation of societal norms and went so  
 14 far beyond all possible bounds of decency, so as to be regarded as atrocious, and utterly  
 15 intolerable in a civilized community, and resulted in severe emotional distress.

16 6.7 As a further result of the defendant's intentional conduct, plaintiff has incurred  
 17 and/or will continue to incur costs for counseling and psychological treatment, and has lost  
 18 earning capacity to his damage in an amount to be proved at trial. As a result of the  
 19 defendant's conduct, plaintiff has suffered and will continue to suffer physical and emotional  
 20 pain and dysfunction to his general, non-economic damage in an amount to be proved at trial.

21 **VII. THIRD CAUSE OF ACTION**  
 22 **(Estoppel and Fraudulent Concealment)**

23 7.1 Plaintiff incorporates all paragraphs of this Complaint as if fully set forth under  
 24 this count and further allege:

25 7.2 Church defendants engaged in a plan of action to cover up incidents of the  
 26 sexual abuse of minors by its Melchesidek priests and scout leaders and to prevent disclosure,

COMPLAINT - 8 of 10

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1 prosecution and civil litigation including, but not limited to: failure to report incidents of  
 2 abuse to law enforcement or child protection agencies, denial of abuse it had substantiated,  
 3 the transfer of abusive Melchesidek priests and scoutmasters, coercion of victims and their  
 4 families and by failure to seek out and redress the injuries these men had caused. Based on  
 5 these actions, the defendants engaged in fraudulent concealment and are estopped from  
 6 asserting defense of limitations.

7 **VIII. FOURTH CAUSE OF ACTION**  
 8 **(Civil Conspiracy)**

9 8.1 Plaintiff incorporates all paragraphs of this Complaint as if fully set forth under  
 10 this count and further allege:

11 8.2 Defendant and others conspired to cover up incidents of sexual abuse of  
 12 minors by its Mormon priests and scout leaders, including LEWIS and to prevent disclosure,  
 13 prosecution and civil litigation including, but not limited to: failure to report incidents of  
 14 abuse to law enforcement or child protection agencies, denial of abuse it had substantiated,  
 15 aiding criminal child molesters in evading detection, arrest and prosecution, allowing them to  
 16 cross state and international borders for purposes of gaining access to uninformed parents  
 17 whose innocent children could be sexually abused, failure to warn, and by failure to seek out  
 18 and redress the injuries its Melchesidek priests and scoutmasters had caused. Based on these  
 19 actions, the defendants conspired for the unlawful purpose of concealing and suppressing  
 20 information on the danger and threat that scoutmaster and priests like LEWIS posed to  
 21 unsuspecting children, including the plaintiff.

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## IX. PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays that the Court enter a judgment against the defendant and in plaintiff's behalf, for the following:

1. For special damages for medical treatment expenses, lost earnings, and lost earnings capacity, and the expenses of medication and other special expenses, both in the past and continuing into the future, in amounts to be determined at the time of trial;

2. For all general damages, for physical, mental and emotional injury and disturbance, and other disorders resulting from the acts complained of herein;

3. For attorney's fees, prejudgment interest, costs and exemplary damages allowed by RCW 9.68A.130 and other law; and

4. For such other and further relief as this Court determines just in the premises.

Dated this 22 day of March, 2006.

GORDON, THOMAS, HONEYWELL,  
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COMPLAINT - 10 of 10

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KING CO SUPERIOR CT  
BARBARA MINER  
DIRECTOR & SUP CRT CLERK  
SEATTLE WA

FILED

06 MAR 22 PM 2:29

06-2-09825-1

KING COUNTY  
SUPERIOR COURT CLERK  
SEATTLE, WA.

Recpt. Date 03/22/2006 Acct. Date 03/22/2006 Tme 02:32 PM

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KING COUNTY SUPERIOR COURT  
CASE ASSIGNMENT DESIGNATION  
and  
CASE INFORMATION COVER SHEET  
(cics)

Paid By: GORDON, THOMAS  
Transaction Amount: \$200.00

In accordance with LR82(e), a faulty document fee of \$15 will be assessed to new case filings missing this sheet pursuant to King County Code 4.71.100.

CASE NUMBER: 06-2-09825-1 SEA

CASE CAPTION: \_\_\_\_\_

I certify that this case meets the case assignment criteria, described in King County LR 82(e), for the:

Seattle Area, defined as:

All of King County north of Interstate 90 and including all of the Interstate 90 right-of-way; all the cities of Seattle, Mercer Island, Bellevue, Issaquah and North Bend; and all of Vashon and Maury Islands.

Kent Area, defined as:

All of King County south of Interstate 90 except those areas included in the Seattle Case Assignment Area.

Signature of Petitioner/Plaintiff

\_\_\_\_\_  
Date

or

Signature of Attorney for  
Petitioner/Plaintiff

\_\_\_\_\_  
Date

WSBA Number